

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

Intrepid Ship Management, Inc.,  
Vessel Management Services, Inc., and  
Crowley Maritime Corp.

Plaintiffs,

VS.

OCEAN PROSPECTOR, her equipment, tackle, appurtenances, etc., *in rem*, and Plant Recovery Company, *in personam*,

Defendants.

Civil Action No. 3:12-cv-00243  
c/w 3:12-cv-00359  
FED. R. CIV. P. 9(h) – Admiralty

**MOTION FOR LEAVE TO FILE**  
**THIRD PARTY COMPLAINT AGAINST MALIN**

**NOW COMES** Plaintiffs, Counter-Defendants, and now Third Party Plaintiffs, Intrepid Ship Management, Inc., Vessel Management Services, Inc., and Crowley Maritime Corp. (collectively “Crowley) who move this court for leave to file its Third Party Complaint pursuant to Federal Rule of Civil Procedure 14(c) against Third Party Defendant Malin International Ship Repair & Drydock, Inc. (“Malin”).

The granting of this Motion and the addition of Malin as a party to this action will not delay the resolution of this action as no depositions have occurred and the parties have delayed additional discovery until resolution of consolidation issues. Rather, Malin's presence in this suit as a direct defendant to the claims asserted by Plant Recovery Company, PRC Environmental, Inc., and PROSPECTOR RIG MGT., LLC, as well as a defendant to answer for the damages to Crowley's vessel, will allow for an orderly and efficient resolution of all issues.

Indeed, Malin is an indispensable party whose presence in this action is necessary and appropriate for the adjudication of all claims now at suit.

Undersigned counsel has contacted all counsel of record regarding this position as to this motion. PRC Environmental, Inc. and PROSPECTOR RIG MGT., LLC are unopposed. Plant Recovery Company has not responded to movers inquiries as of the filing of this motion.

**WHEREFORE**, Plaintiffs, Counter-Defendants, and now Third Party Plaintiffs, Intrepid Ship Management, Inc., Vessel Management Services, Inc., and Crowley Maritime Corp pray that their Motion for Leave is granted and that their Third Party Complaint against Malin International Ship Repair & Drydock, Inc. be received and entered into the Court's record.

Respectfully submitted,

**LEGGE, FARROW, KIMMITT, MCGRATH & BROWN LLP**

/s/ James T. Brown

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all counsel of record via the Court's ECF/CM system on July 17, 2013.

/s/ Andrew M. Stakelum